

Members

Rep. Jeff Thompson, Chairperson  
Rep. Dan Leonard  
Rep. William Davis  
Rep. R. Tiny Adams  
Rep. Scott Reske  
Rep. Vern Tincher  
Sen. Sue Landske, Vice-Chairperson  
Sen. Marvin Riegsecker  
Sen. Brent Waltz  
Sen. Larry Lutz  
Sen. Glenn Howard  
Sen. Allie Craycraft



## INTERIM STUDY COMMITTEE ON FIRE SAFETY ISSUES

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Authority: Legislative Council Resolution 05-01

### MEETING MINUTES<sup>1</sup>

**Meeting Date:** August 9, 2005  
**Meeting Time:** 10:00 A.M.  
**Meeting Place:** State House, 200 W. Washington  
St., Room 130  
**Meeting City:** Indianapolis, Indiana  
**Meeting Number:** 1

**Members Present:** Rep. Jeff Thompson, Chairperson; Rep. Dan Leonard; Rep. William Davis; Rep. Scott Reske; Rep. Vern Tincher; Sen. Sue Landske, Vice-Chairperson; Sen. Brent Waltz; Sen. Allie Craycraft.

**Members Absent:** Rep. R. Tiny Adams; Sen. Marvin Riegsecker; Sen. Larry Lutz; Sen. Glenn Howard.

Representative Thompson called the Committee to order at 10:15 A.M. After an introduction of Committee members and staff, Representative Thompson described the two study topics assigned to the Committee by the Legislative Council: (1) studying building, fire, and equipment laws; and (2) studying fire safety in dormitories and senior care facilities.

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<sup>1</sup> Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

### (I) Building, Fire, and Equipment Laws

Representative Thompson recognized Mr. Don Bradley of the Indiana Department of Homeland Security. Mr. Bradley stated that plan review by the Department's Code Enforcement and Plan Review Branch is currently being performed with a seven to eight day turn-around time, and that the review is thorough and detailed. After briefly describing the new review process, Mr. Bradley stated that he had heard favorable comments regarding the changes to the review process.

Representative Tinchler noted that the membership of the State Building Commission had been decreased to 11 members, and he requested a list of the current members and their areas of expertise. Mr. Mark Riffey of the Indiana Fire Sprinkler Association stated that he believes the fire safety industry should be represented on the State Building Commission.

Representative Thompson then recognized Mr. Bert Dirschell of Tower Associates. Mr. Dirschell testified that 20 years ago he could call the State regarding building plan review and easily set up a meeting concerning building code requirements, but that this is no longer the case. He stated that pre-design meetings with State plan review officials have not been available. Mr. Dirschell also stated that in the past he had submitted an extra set of plans to be returned by the State after its review, but that he now thinks the State does not even retain the original plans that are submitted for review. He commented that he believes the plan review has been cursory and that the State wants to avoid any responsibility. He also stated that his clients would not complain if plan review fees were increased, if the service levels were also increased. In reply to a question from Representative Tinchler, Mr. Dirschell said that the State Building Commission had given satisfactory assistance on variance requests.

Mr. Bradley commented that two additional plan reviewers had been hired, and that another plan reviewer will be hired. He said there is an increased emphasis on staff education. Representative Davis said that a seven to eight day turn-around time had not been his experience, and that the review of even simple designs had taken longer. In response to questions from Representative Davis, Mr. Bradley explained that approval of plans will be withheld if insufficient information is submitted for those plans. In response to a question from Senator Craycraft, Mr. Bradley stated that approximately 20% of submitted plans require the submission of additional information before they can be approved.

### (II) Fire Safety in Dormitories and Senior Care Facilities

Senator Landske introduced the issue of fire safety in dormitories and senior care facilities by explaining that some states have passed legislation regarding the use of non-combustible materials in those types of structures. She stated that over 40 students have died in dormitory fires during the last few years.

Representative Thompson recognized Ms. Mary Ann Maroon of the Indiana Health Care Association (IHCA). She testified that the IHCA believes it is in the best interest of nursing home residents to have fully-sprinklered facilities.

Ms. Maroon stated that:

- (1) 93% of Indiana's long-term care facilities are fully-sprinklered;
- (2) 5% of the facilities are partially-sprinklered; and
- (3) 2% of the facilities are non-sprinklered.

She explained that there is no sprinkler requirement for such facilities built before 1986.

Senator Craycraft requested a list of sprinklered and non-sprinklered long-term care facilities. Senator Waltz stated that he supports addressing the safety concerns, but he questioned Ms. Maroon on how to balance economic and financial concerns. Ms. Maroon replied that sprinklering requirements could be phased-in over time and that the installation of sprinklers could be assisted with low-interest loans. (See Exhibit A for Ms. Maroon's written information provided to the Committee.)

Representative Thompson recognized Susan Albers of the Indiana Assisted Living Association, who stated that the care and concern for residents was the foremost priority, but that there were financial challenges to addressing the safety issues.

Representative Thompson recognized Mr. Mike Broderick of the International Masonry Institute, which is funded by the International Bricklayers Union and signatory contractors. Mr. Broderick proposed the use of higher fire-rated materials in dormitories and seniors' facilities. He stated that these facilities should have fire-resistant construction with a fire-rating of two hours or better, and he suggested that this should apply to all new construction. In response to a question from Representative Reske, Mr. Broderick explained that the current fire code required a fire-rating of one hour and he explained the manner in which the fire-rating tests are conducted. (See Exhibit B for Mr. Broderick's written information provided to the Committee.)

Tim Norton, a volunteer firefighter and an Indiana representative of the International Masonry Institute, stated that by putting fire-resistant masonry into dormitories and seniors' facilities, the number of casualties could be reduced. Representative Davis commented that a two-hour fire-rating would serve a safety purpose, but that responders do not have two hours to remove residents of a nursing home that is on fire.

Representative Thompson recognized Ms. Robyn Grant of United Senior Action of Indiana. Ms. Grant testified that United Senior Action is concerned about the lack of fire safety in nursing homes, and she questioned whether tragedies such as those that occurred in Tennessee and Connecticut in 2003 could occur in Indiana. She said that in Indiana some facilities are without sprinklers and some are without smoke detectors, and she stated that sprinklers are the single most important fire safety measure. Ms. Grant provided the Committee with a list of nursing homes that are not sprinklered or are partially-sprinklered. She testified that 11 nursing homes are completely unsprinklered, including an eight-story facility in Evansville.

Ms. Grant stated that there has never been a multiple-death fire in a nursing home that was fully-sprinklered. She stated that there should be both sprinklers and smoke detectors in residents' rooms, because residents' rooms are the leading origin of nursing home fires. She commented that retrofitting does have a cost, but she noted that 361 nursing homes built before 1986 have been retrofitted with sprinklers, and that mandatory sprinklers could be phased-in over time. Ms. Grant also stated that nursing homes should be required to disclose whether they have smoke detectors and sprinklers. (See Exhibit C for Ms. Grant's written information provided to the Committee.)

Senator Waltz said that the State should not have a role in subsidizing the retrofitting of nursing homes, and he asked what stresses would occur if some nursing homes were forced to close. Ms. Grant answered that she did not necessarily agree that facilities will close, and that many nursing home beds are available.

Representative Thompson recognized Tim Paino of Legacy Property Management. Mr. Paino said that he understands the safety concerns, but that it is important to keep the economics in mind. He noted that the number of assisted-living beds per 1,000 seniors is

increasing, and that all interested parties, including assisted-living providers, must be included in the designing of safety solutions.

Representative Thompson recognized Mr. Mark Riffey of the Indiana Fire Sprinkler Association, who offered to provide any information needed by the Committee. Mr. Riffey testified that there are approximately 1,800 fires each year involving college dormitories, and he encouraged a proactive approach to fire-safety issues. He then briefly described proposed federal legislation concerning fire safety in college dormitories.

Representative Thompson stated that he would like the State Fire Marshal's office to address proposed model legislation from the International Masonry Institute at the Committee's next meeting. He also suggested that the Committee review fire safety legislation that had been previously introduced by Representative John Day. Representative Tincher also requested the State Fire Marshal's office to provide a summary of current fire codes related to assisted-living facilities and nursing homes.

Representative Thompson noted that he would call a second meeting of the Committee in September. He also set a tentative date of Friday October 21 for the Committee's final meeting. There being no further business, the meeting was adjourned at 12:10 P.M.